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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,815	10/30/2003	Sumit Roy	200313236-1	2454
22879	7590	12/07/2007		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER TIV, BACKHEAN	
			ART UNIT	PAPER NUMBER
			2151	
			NOTIFICATION DATE	DELIVERY MODE
			12/07/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

AK

Office Action Summary	Application No.	Applicant(s)	
	10/698,815	ROY ET AL.	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-50 are pending in this application. This is a response to the Remarks filed on 9/25/07. This action is made **FINAL**.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 9/25/07 have been considered. The submission is in compliance with the provisions of 37 CFR 1.97.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,665,706 issued to Kenner et al.(Kenner).

As per claims 1,10,19,29,38,42,44,48,Kenner teaches a network system comprising:

a plurality of content providers(Fig.1,col.7, lines 15-20);

a plurality of service providers(Fig.1, col.7, lines 5-20);

a plurality of client devices, wherein one of said content providers, one of said service providers, and one of said client devices form one of a plurality of media service sessions, wherein said media service sessions include a streaming technique(Fig.1, col.7, lines 60-65); and

a service manager for managing handoff of media service sessions among said service providers based on information received(col.8, lines 1-5), and wherein said service manager uses said information to determine whether to initiate a handoff of any of said media service sessions from a service provider to another service provider(col.12, lines 36-42);

if it is determined to initiate said handoff, initiating said handoff(col.13, lines 11-60).

As per claims 2-5, 11-14, 20-24, 30-33,39, 43, 45,49, wherein said information includes information received from said service providers(Kenner, col.8, lines 28-49), information associated with location and priority of service modules that are involved in any one of said media service sessions(Kenner, col.12, lines 59-67, col.13, line 40-43), information received from any client device that is involved in any one of said media service sessions(Kenner, col.8, lines 41-49), information associated with network conditions(Kenner, col.10, line 50-67), and information associated with any content provider that is involved in any one of said media service sessions(Kenner, col.9, lines 5-45).

As per claims 7,8,16,17,26,27,35,36,41,47,50, wherein said determination to initiate said handoff is made before a need for said handoff is absolutely necessary, and

wherein said determination to initiate said handoff is made based on a pattern associated with said information(Kenner, col.9, line 64-col.11, line 20).

As per claims 6,15,25,34,40,46, further comprising a content delivery network including said plurality of content providers, wherein said information includes information associated with said content delivery network that is involved in any one of said media service sessions(Kenner, Fig.1, col.9, line 64-col.11, line 20).

As per claims 9,18,28,37, wherein said media service sessions include a streaming technique(Kenner, col.7, lines 60-65).

Response to Arguments

The Office withdraws the drawing objection, Double Patent Rejection, and 112 2nd. The applicant has replaced the drawings filed on 2/2/04, filed, 9/25/07, a Terminal Disclaimer, and the applicant's argument is persuasive, page 3 of the Remarks filed on 9/25/07.

Applicant's arguments pertaining to the art filed 9/25/07 have been fully considered but they are not persuasive.

The applicant argues in substance that Kenner does not teach, "using said information at said service manager to determine whether to initiate a handoff of any of said media service sessions from a service provider to another service provider", in particular, Kenner does not teach a service manager, Remarks, page 5-6.

In response ; Kenner, col.8, lines 1-col.12, lines 42, teaches that a configuration utility and a client program runs on the user terminals. The configuration utility retrieves a delivery site file from the mirror service provider (MSP), initially. In this delivery site

file, there are delivery(mirror) sites and a list of network test to be run. The configuration utility runs the network test on the delivery sites then returns the results to the MSP. The MSP then uses the network results to compile a list of reliable sites and sends it to the user. From this compiled list of sites, the configuration utility can then further narrow to a delivery site or group of delivery site that are best for the user terminal.

The MSP is considered as the service manager. Therefore, Kenner teaches "using said information at said service manager to determine whether to initiate a handoff of any of said media service sessions from a service provider to another service provider" since the MSP receives network results and compiles a list of the most reliable delivery sites.

Furthermore, one ordinary skill in the art with the broadest interpretation of the claim could consider the configuration utility as the service manager since it narrows the delivery site list from the MSP to a delivery site that is best for the user terminal. The claim language does not specify where the service manager resides.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Backhean Tiv
2151
11/29/07


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100